

Applicant	Kim and Margaret Nothard	
Request	Vacate a portion of Kenilworth Pl. (S.W. 14 Way)	
Location	Adjacent to 215 S.W. 14 Way	
Legal Description	A portion of Kenilworth Place adjacent to lots 1 & 2 of Block 2, of River Highlands, P.B. 10, P. 3	
Property Size	5,381 sq. ft. more or less	
Zoning	RS-8	
Existing Land Use	Unimproved right-of-way	
Future Land Use Designation	Residential Low-Medium	
Comprehensive Plan Consistency	Consistent	
Other Required Approvals	City Commission	
Applicable ULDR Sections	Sec 47-24.6 Vacation of Rights-of-Way	
Notification Requirements	Sign Notice, Mail Notice	
Action Required	Approve, Approve with Conditions, or Deny the application	
Project Planner	Name and Title	Initials
	Kevin Erwin, Planner I	
	Chris Barton, AICP, RLA, Principal Planner	
	Bruce Chatterton, AICP, Planning and Zoning Manager	
Authorized By		
Approved By		

Request:

This is a request to vacate a 50 foot wide by 105 foot deep section of S.W. 14th Way adjacent to lots 1 & 2 of Block 2 of River Highlands, P.B. 10, P. 3. This portion of the right-of-way provides access to the applicant's property and dead end's at the drainage canal leading to the north fork of the New River. This portion of the right-of-way has never been improved or maintained by the City and is currently overgrown with large trees and other vegetation.

This request has been reviewed by the public franchise utilities and none of them have an objection to the proposed vacation. Bellsouth has indicated that if any lines are to be relocated it will be at the applicant's expense.

The City's Engineering Design Manager has indicated that the City does not have any facilities in the area to be vacated. He does not however support the vacation request, because he feels that the City may in the future require access from the right-of-way to the waterway for dredging purposes. The City's adopted Waterway Plan also calls for retaining public access to the waterways via such street ends.

The City owns the land immediately east of the right-of-way. The City is also currently in negotiations to acquire additional land on the south side of S.W. 22nd Court for a future park. The Parks and Recreation division is in support of this vacation request as half of the vacated right-of-way would go to the City and be incorporated into the future park.

The applicant has submitted a narrative outlining compliance with the criteria for street vacation as listed in Sec. 47-24.6 (**Exhibit 1**). Staff concurs with the applicant's assessment with the exception of how they meet criteria 1, specifically that the right-of-way is no longer needed for public purposes.

Parking and Traffic:

This road has never been improved and therefore does not carry any automobile traffic. Pedestrian traffic in the area is minimal. No parking issues are associated with this application.

Prior Reviews:

This proposal was reviewed by the Development Review Committee on March 25, 2003 and all comments have been addressed. The proposal was also reviewed by the Property and Right-of-Way Committee on November 21, 2002 and did not receive a positive recommendation (Minutes are attached as **Exhibit 2**).

Planning & Zoning Board Review Options:

1. If the Planning and Zoning Board determines that the proposed vacation meets the criteria the Board shall approve or approve with conditions necessary to ensure compliance with the standards and requirements of the ULDR and criteria for vacation of rights-of-way.
2. If the Planning and Zoning Board determines that the proposed vacation does not meet the criteria for vacation of rights-of-way, the Planning and Zoning Board shall deny the application.

Staff Determination:

Staff finds that the applicant has not demonstrated compliance with the criteria that the right-of-way no longer serves a public purpose. The street end provides access to the waterway for the public and may be needed in the future for dredging purposes.

Should the Board approve the proposed development, the following conditions are proposed by staff:

1. That the entire vacated area be retained as a utility easement.
2. That all utilities that are required to be relocated be done so at the applicant's expense.
3. The vacating ordinance shall be in full force and effect on the date a certificate executed by the City Engineer is recorded in the public records of Broward County. This certificate shall state that the existing facilities have been abandoned.
4. Final DRC approval.